

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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VERONICA BROWN,

Plaintiff,
-against-

Docket No. CV-14-5960(SLT)
Hon. Nina Gershon

Declaration of Counsel

MARRIOTT INTERNATIONAL, INC.,

Defendant.
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David L. Scher, an attorney duly licensed to practice law before the federal court of the Eastern District of New York, declares the following to be true under the penalties of perjury:

1. I am a partner of Block O'Toole & Murphy, LLP, attorneys for Plaintiff VERONICA BROWN and, as such, I am familiar with the facts and circumstances surrounding this matter based on a review of the file maintained by my office.

2. This Declaration is submitted in support of Plaintiff's opposition to Defendant MARRIOTT INTERNATIONAL, INC.'s motion for summary judgment dated December 17, 2018.

3. On November 8, 2018, a Pre-Motion Conference was held before the Honorable Nina Gershon. The transcript/minutes of the Pre-Motion Conference is annexed hereto as **Exhibit "1"**.

4. At the March 12, 2018 deposition of Plaintiff VERONICA BROWN, multiple exhibits were marked. Complete color copies of all the exhibits marked at Plaintiff's March 12, 2018 deposition are annexed collectively hereto as **Exhibit "2"**.

5. At the May 30, 2018 deposition of Sonia Cunliffe, multiple exhibits were marked. Color copies of the exhibits marked at Ms. Cunliffe's May 30, 2018 deposition are annexed collectively hereto as **Exhibit "3"**.

6. Plaintiff VERONICA BROWN opposes the Defendant's instant motion for summary judgment as, Plaintiff submits, Defendant fails to meet its burden and the evidence presents issues of material fact precluding summary judgment dismissing Plaintiff's apparent authority action.

7. Plaintiff argues that Defendant's Declaration of Counsel is both factually and legally inaccurate in declaring that MII (a/k/a Marriott) is entitled to summary judgment "as there is no evidence that MII [a/k/a Marriott] was responsible for the licensing or the day-to-day operations of the [Marriott Chain] hotel" [which is identified as the St. Kitts *Marriott* Resort] and "plaintiff cannot establish that MII [a/k/a Marriott]'s words or conduct gave the plaintiff the impression that MII [a/k/a Marriott] controlled or was in all ways responsible for the resort" [which is identified as the St. Kitts *Marriott* Resort and known as a 'Marriott Hotel' or called a 'Marriott'].

Dated: January 11, 2019

Respectfully submitted,

BLOCK O'TOOLE & MURPHY, LLP
Attorneys for Veronica Brown

By: 
David L. Scher
One Penn Plaza, Suite 5315
New York, NY 10119
(212) 736-5300
dscher@blockotoole.com